

## Article - Health - General

[\[Previous\]](#)[\[Next\]](#)

§10–611.

(a) (1) In this section the following words have the meanings indicated.

(2) “Disabled person” has the meaning stated in § 13–101 of the Estates and Trusts Article.

(3) “Guardian of the person” means a guardian of the person of a disabled person appointed under Title 13, Subtitle 7, Part II of the Estates and Trusts Article.

(4) “Mental disorder” has the meaning stated in § 10–620 of this subtitle.

(b) A disabled person may apply for voluntary admission of the disabled person if:

(1) The disabled person submits a formal, written application that contains the disabled person’s personal information and is on the form required by the Administration; and

(2) In accordance with subsections (c) through (e) of this section, either a physician and a psychologist, two physicians, or a physician and a psychiatric nurse practitioner certify that:

(i) The disabled person has the capacity to execute an application for voluntary admission; and

(ii) The disabled person understands both the criteria for voluntary admission set forth under this section and the procedure for requesting discharge from the facility.

(c) (1) A certificate for voluntary admission of a disabled person under subsection (b) of this section shall:

(i) Be based on the personal examination of the physician, psychologist, or psychiatric nurse practitioner who signs the certificate; and

(ii) Be in the form that the Secretary of Health adopts, by rule or regulation.

(2) The rules and regulations shall require the form to include an opinion that:

- (i) The disabled person has a mental disorder;
- (ii) The mental disorder is susceptible to care or treatment;
- (iii) The disabled person understands the nature of the request for admission; and
- (iv) The disabled person is able to give continuous assent to retention by the facility.

(d) A certificate may not be used for admission if the examination on which the certificate is made was conducted more than 1 week before the certificate is signed.

(e) A certificate may not be used for an admission if the physician, psychologist, or psychiatric nurse practitioner who signed the certificate:

(1) Has a financial interest, through ownership or compensation, in a proprietary facility and admission to that proprietary facility is sought for the disabled person whose status is being certified; or

(2) Is related, by blood or marriage, to the disabled person or the guardian of the person of the disabled person.

(f) A facility may not admit a disabled person under this section unless:

(1) As certified in accordance with subsection (c) of this section, the disabled person satisfies the criteria under subsection (b)(2) of this section; and

(2) The disabled person is able to ask for release.

(g) (1) In addition to the limitations in subsection (f) of this section, a State facility may not admit a disabled person who is 65 years old or older unless a geriatric evaluation team determines that there is no available less restrictive form of care or treatment that is adequate for the needs of the disabled person.

(2) If admission is denied because of the determination of the geriatric evaluation team, the team shall:

(i) Inform the disabled person and the guardian of the person of the disabled person of the denial; and

(ii) Help the disabled person to obtain the less restrictive form of care or treatment that the geriatric evaluation team finds would be adequate for the needs of the individual.

(h) The facility shall notify the guardian of the person of a disabled person admitted to the facility under this section:

(1) That the disabled person has been admitted to the facility; and

(2) If the disabled person requests to be discharged from a facility to which the disabled person was voluntarily admitted.

(i) If at any time a facility reasonably believes that the disabled person no longer meets the criteria for voluntary admission under this section, the facility shall discharge the disabled person unless:

(1) The admission status of the disabled person has been changed to an involuntary admission in accordance with Part III of this subtitle; and

(2) An involuntary commitment proceeding is held.

(j) The execution by a disabled person of an application for voluntary admission under this section does not:

(1) Diminish the rights, duties, or responsibilities conferred on the guardian of the person under § 13–708 of the Estates and Trusts Article; or

(2) Confer any additional power or authority on the guardian of the person, including the power or authority to commit the disabled person to a mental facility, that a court has not otherwise conferred on the guardian of the person under § 13–708 of the Estates and Trusts Article.

[\[Previous\]](#)[\[Next\]](#)